

71. 12-11-03 2824  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Shyahu Harari et al.

Title: Flash EEprom System

Application No.: 09/867,836

Filing Date: May 30, 2001

Examiner: Tran, Andrew Q.

Group Art Unit: 2824

Docket No.: SNDK.A06US7

Conf. No.: 6307

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicants call the documents listed on the enclosed Form PTO-1449 to the Examiner's attention in this patent application. Copies of the documents listed on the accompanying Form PTO-1449 are enclosed.

Citation of these documents shall not be construed as (1) an admission that the documents are prior art with respect to the invention or inventions claimed in this application, (2) a representation that a search has been made (other than as indicated by any cited document), or (3) an admission that the cited information is, or is considered to be, material to patentability as defined in § 1.56(b).

The cited 1997 Initial Determination of the United States International Trade Commission, *In the Matter of Certain Flash Memory Circuits and Products Containing Same*, ITC investigation no. 337-TA-382, includes determinations by Administrative Law Judge Sidney Harris that claim 27 of patent no. 5,172,338 (the '338 patent) is valid and infringed. Portions of the lengthy Determination that pertain to the '338 patent are identified in its Table of Contents. For example, its validity is discussed at pages 93-102. This ITC action was initiated by SanDisk Corporation, assignee of the '338 patent and of the present application. The submitted Initial Determination was made after a full trial.

Attorney Docket No.: SNDK.A06US7  
Express Mail No.: EV321705318US

Application No.: 09/867,836

The two laboratory reports being submitted herewith, one by Taeus and the other by Chipworks, report separate analyses of a product whose sale was asserted in the ITC action as prior art that anticipated claim 27 of the '338 patent. This product and the reports resulting from reverse engineering of the product are discussed by Judge Harris in his Initial Determination. The product was a SGS Thomson M293B1 electronic program memory.

Reexamination Certificate no. B1 5,172,338 submitted herewith, dated July 8, 1997, confirmed the patentability of claim 27 and others of the '338 patent.

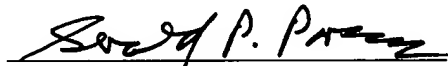
The Japanese Patent Office Appeal/Trial Decision being submitted herewith was rendered in connection with a Japanese patent application corresponding to the '338 patent. The documents discussed in the Decision were earlier cited in the Supplemental Information Disclosure Statement filed August 21, 2001.

This information disclosure statement is submitted under 37 C.F.R. § 1.97(b) and consequently no fee should be required. The Commissioner is authorized, however, to charge any fee that may be required, or to credit any overpayment, against Deposit Account No. 502664. This form is being submitted in duplicate.

**EXPRESS MAIL  
LABEL NO:**

**EV321705318US**

Respectfully submitted,

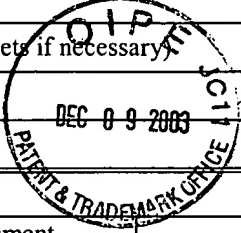


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December 9, 2003

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U.S. Department of Commerce, Patent and Trademark				Atty. D cket No.		Application No.		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				SNDK.A06US7		09/867,836		
				Applicants		C nf. No.		
(Use several sheets if necessary)				Eliyahou Harari et al.		6307		
				Filing Date		Art Group		
				May 30, 2001		2824		
U.S. Patent Documents								
*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate	
	1	4,691,298	Sep. 1, 1987	Fukuda et al.				
	2	4,737,936	Apr. 12, 1988	Takeuchi				
	3	B1 5,172,338	Jul. 8, 1997	Mehrotra et al.				
U.S. Published Patent Application Documents								
*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate	
Foreign Patent Documents								
							Translation	
		Document	Date	Country	Class	Subclass	Yes	No
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)								
	4	"An Analysis of SGS Thomson M293B1 EPM32: Electronic Program Memory for 32 Stations", <u>Chipworks</u> , October 19, 1996.						
	5	"SGS M293 Electronic Program Memory Device", <u>Taeus</u> Report 60723, August 9, 1996.						
	5	"Initial Determination, U.S. International Trade Commission, Investigation No. 337-TA-382, March 25, 1997.						
	7	Japanese Patent Office Appeal/Trial Decision in Japanese Patent Application No. 2-506478, October 23, 2001.						
Examiner			Date Considered					
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with your communication to applicant.								